

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

DAVID ELDRIDGE,

Plaintiff,

v.

BRYAN M. ANTONELLI,

Defendant.

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No. 1:24-cv-33 SNLJ

**MEMORANDUM AND ORDER**

This case is before the Court on its own motion. On March 6, 2024, the Court ordered Plaintiff to file an amended complaint on a Court-provided form, and to either pay the filing fee or submit an application to proceed without prepaying fees or costs. ECF No. 2. The Court also directed Plaintiff to file a prison account statement if he chose to submit an application to proceed without prepayment. *Id.* at 2. Plaintiff's response was due by April 5, 2024.

On April 5, 2024, the Court received Plaintiff's inmate account statement and a handwritten motion for appointment of counsel. ECF Nos. 3-4. A few days later, the Court received a difficult-to-read letter from Plaintiff, which seems to request that the Court send him a new Court form complaint. ECF No. 5 at 1.

Because Plaintiff is self-represented, the Court will give him one more opportunity to comply with the Court's March 6, 2024 Order. The Court will direct that the Court forms be resent to Plaintiff and he will have thirty (30) more days to file an amended complaint, and either pay the filing fee or submit an application to proceed without prepaying fees or costs. The Court cautions Plaintiff that failure to comply with this Order will result in dismissal of this matter without further notice.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to mail Plaintiff copies of the


Court's 'Prisoner Civil Rights Complaint' and 'Application to Proceed in District Court without Prepaying Fees or Costs' forms.

**IT IS FURTHER ORDERED** that Plaintiff shall file an amended complaint on the Court-provided form within **thirty (30) days** of the date of this Order. Plaintiff is advised that his amended complaint will take the place of his original letters (ECF Nos. 1 & 5) and will be the only pleading that this Court will review.

**IT IS FURTHER ORDERED** that Plaintiff must either pay the \$405 filing fee or submit an application to proceed without prepaying fees or costs within **thirty (30) days** of the date of this Order.

**IT IS FINALLY ORDERED** that if Plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice and without further notice.

Dated this 15<sup>th</sup> day of April, 2024.



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STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE